



VILLAGE OF PENTWATER

ON PENTWATER LAKE AND LAKE MICHIGAN
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
(231) 869-8301 - FAX (231) 869-5120
www.PentwaterVillage.org

Planning Commission Meeting Agenda June 20, 2018 - 7:00 P.M.

I. Opening

A. Call to Order, Pledge of Allegiance, and Roll Call.

II. Approval of Agenda and Minutes

A. Approval of Agenda.

B. Approval of Minutes of the Regular Meeting held May 16, 2018.

III. Public Comments

IV. **Public Hearing** – Special Land Use Request - for the conversion of three (3) commercial units into two (2) residential units within the Hancock Building, 215 S. Hancock Street.

V. **Old Business** – None.

VI. New Business

A. Special Land Use Request Discussion Hancock Building – 215 S. Hancock Street.

B. Site Plan Review – Hancock Building - 215 S. Hancock Street.

C. Expansion of a nonconforming building – 426 Chester Street.

D. West Lowell Street Cul-de-Sac Improvements – Village Manager, Chris Brown.

VII. Department/Committee Reports

A. Zoning Administrator – See attached report.

B. Zoning Board of Appeals – See draft minutes of May 30, 2018, attached.

VII. Communications from Planning Commission Members

VIII. Public Comments

VIII. Adjournment

Next Scheduled Planning Commission Meeting – July 18, 2018



VILLAGE OF PENTWATER

Planning Commission

ON PENTWATER LAKE AND LAKE MICHIGAN
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
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Regular Meeting Minutes – May 16, 2018

Chairman Ron Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 7:00 pm, with the Pledge of Allegiance.

ROLL CALL

Present: Michelle Angell-Powell, Mark Benner, Ron Christians & Paul Anderson.

Absent: Bruce Koorndyk.

Staff Present: Keith Edwards, Zoning Administrator, and Chris Brown, Village Manager.

APPROVAL OF AGENDA

Motion by Angell-Powell, second by Anderson to approve the Agenda as presented.

Voice Vote: Aye: 5 Nay: 0 Absent: 1 **Motion carried.**

APPROVAL OF MINUTES

Motion by Benner, second by Angell-Powell to approve the April 18, 2018 regular meeting minutes as submitted.

Voice Vote: Aye: 5 Nay: 0 Absent: 1 **Motion carried.**

PUBLIC COMMENTS – No comments from the audience were submitted at this time.

PUBLIC HEARING – None.

OLD BUSINESS

A. Discussion of downtown parking requirements as it relates to residential uses and marinas.

A continuation from the introduction of parking requirements for residential uses in upper floors of existing buildings, those constructed before a certain date, approximately 1999, in an effort to encourage residential use of the upper floors of those buildings in the C3, Central Business District. Also discussed was a reduction in the one parking space per boat slip for marinas. The Planning Commission agreed to review a proposed amendment that would reduce the parking requirement for downtown residential uses and marinas to 1 parking space per unit and 1 parking space per 2 slips or part thereof.

NEW BUSINESS

A. Correspondence from the West Michigan Shoreline Regional Development Commission (WMSRDC) – Golden Township.

The Planning Commission reviewed a letter received from WMSRDC indicating that Golden Township is undertaking the creation of a new Master Plan.

B. Façade Restoration Initiative Grant Funding.

The Planning Commission was informed by Mr. Edwards and DDA Director Claudia Ressel – Hodan regarding a opportunity for matching funds for façade improvements. The Planning Commission recommended seeking such grants when they become available after completion of the Downtown Pentwater Plan.

COMMITTEE/DEPARTMENT REPORTS

A. Zoning Administrator – Mr. Edwards’ written report was received by the Planning Commission.

B. Zoning Board of Appeals - No meeting, no report.

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS – None.

PUBLIC COMMENTS – None

ADJOURNMENT - The meeting was adjourned by Chairman Ron Christians at 8:10 pm.

Respectfully Submitted,

Keith Edwards
Zoning Administrator

May 24, 2018
Date

Approved by the Village of Pentwater Planning Commission on _____.

OHS 5-31-18 pg. 4B

PUBLIC NOTICE

VILLAGE OF PENTWATER

327 S. HANCOCK STREET • P.O. BOX 622

PENTWATER, MICHIGAN 49449

COUNTY OF OCEANA, MICHIGAN

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of the Village of Pentwater will hold a public hearing on June 20, 2018, at 7:00 p.m., at the Village Hall, 327 S. Hancock Street, Pentwater, Michigan, to hear and consider a request for Special Land Use Approval. The Special Land Use Request is for the consideration of converting three (3) second-floor commercial units into two (2) residential units within the Hancock Building, 215 S. Hancock Street, Pentwater, Michigan.

All interested persons may attend the public hearing and comment on the proposed Special Land Use Request. Written comments may be submitted to the Village offices, at the above-stated address, up to and including the time of the public hearing.

Dated: May 31, and June 7, 2018

**PLANNING COMMISSION
OF THE VILLAGE OF PENTWATER**

PUBLIC NOTICE
VILLAGE OF PENTWATER
327 S. HANCOCK STREET • P.O. BOX 622
PENTWATER, MICHIGAN 49449
COUNTY OF OCEANA, MICHIGAN

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All interested persons may attend the public hearing and comment on the proposed Special Land Use Request. Written comments may be submitted to the Village offices, at the above-stated address, up to and including the time of the public hearing.

Dated: May 31, and June 7, 2018

PLANNING COMMISSION
OF THE VILLAGE OF PENTWATER

**Special Land Use Request & Site Plan Review
Hancock Building
215 S. Hancock Street Pentwater, Michigan**

**Staff Report
June 15, 2018**

By Keith Edwards

Introduction

The Hancock Building Condominium Association has applied for Special Land Use Approval to allow three (3) second-floor units to be converted from commercial use into two (2) residential units. Such conversion requires a public hearing to be held for collecting public comment by the Planning Commission, Special Land Use Approval and Site Plan Review Approval also by the Planning Commission. Additionally, the applicant seeks to swap land with the Village, thereby clarifying private vs. public property, which has been discussed and conceptually approved by the Village Council, and construct five (5) off-site, but adjacent, parking spaces on Second Street. Lastly, the applicant seeks to add functional and decorative balconies or decks to the north, south and east sides of the building for use by future residents.

Typically, if all of the requirements are met according to the Zoning Ordinance, no further Village approvals would be required. However, in this case, because the parking requirement is not met, according to the current Zoning Ordinance requirements, only a conditional approval should be considered by the Planning Commission.

Background

When the Hancock Building, at 215 S. Hancock Street, was initially converted from a movie theater to a commercial and residential condominium in 1988, there was only one (1) residential use known as Unit 2J at the southwest corner of the building that also has an exterior deck, the remaining units were used for commercial purposes.

In, March of 2007, the Planning Commission approved the conversion of Unit 1E, on the first-floor, to residential use, where five (5) on-site parking spaces were also approved at the west end of the building, as part of the Special Land Use & Site Plan Reviews. These spaces are shown on the approved plans, but technically located partially on Village owned property which had been paved in the past. Parking requirements at the time were 2 spaces per residential unit, same as they are today.

About the same time, the Village of Pentwater became the owner of two (2) first-floor units which were converted to male and female public restrooms with exterior entrances added to the north side of the building with an awning.

Discussion

Special Land Use

At this time, the Hancock Building Condominium Association seeks to convert the remaining three (3) second-floor units into two (2) residential units with exterior balconies. Since the

Hancock Building is located within the C3, Central Business District, residential uses are considered Special Land Uses, subject to the following specific standards of Section 15.04.Q et seq. as follows:

1. *The gross floor area for all residential units shall not exceed twice the gross floor area of the commercial or office uses to which they are accessory.*

The gross floor area of the commercial/office units remaining would be 1,874.98 sq. ft. The gross floor area of the residential units, existing and proposed would be 3,649 sq. ft., where a maximum of 3,749.96 sq. ft. would be allowed. **Thus, this requirement is met.**

2. *Residential dwelling units shall meet the minimum floor area requirements applicable to such units in the R-3 District.*

The required minimum floor area for units in the R-3 District is 600 square feet. The two existing residential units, 2J = 1,051 sq. ft., and 1E = 604 sq. ft. The proposed residential units, 2F-H = 1,361 sq. ft. and 2G = 633 sq. ft. **Thus, this requirement is met.**

3. *Separate parking facilities will be provided for all such dwelling units in accordance with the requirements of Chapter 17.*

Section 17.06 requires two parking spaces for each unit. Two (2) residential units exist today, accompanied by five (5) approved, on-site parking spaces. While this approved arrangement of parking does not allow for unrestricted access by all vehicles, the configuration was approved in March of 2007.

The current request proposes a total of four (4) dwelling units with four (4) unrestricted parking spaces on-site (upon approval of the Village Council land swap) and five (5) off-site spaces on Second Street adjacent to the subject property. However, none of the existing or proposed parking spaces meet the dimensional requirements for parking lot plans in Section 17.04 of the Zoning Ordinance. Parking spaces that are 9 ft. wide by 21 ft. long are required, where parking spaces that are 9 feet by 18 feet long are provided on-site and 9 ft. wide by 16 feet long are provided off-site to match the typical size of the on-street spaces.

While the applicant's request does not meet the Section 17.05.D requirement for all residential parking spaces to be on-site, a total of nine (9) parking spaces would be provided on-site and adjacent to the site by the applicant with Village Council approval. Additionally, neither the existing on-site nor off-site (Second Street) parking

lot dimensional requirements are met with the applicant's proposal. Thus, variances from Sections 17.04 and 17.05.D of the Zoning Ordinance are required.

Site Plan Review

In accordance with Section 16.02.A.2, all special land uses require site plan review in all zoning districts. The proposed exterior changes to the site include the new parking arrangement and the balconies/decks proposed for the second-story residential units.

The Planning Commission as discretionary authority to review the exterior changes in accordance with Section 16.08 et seq. of the Zoning Ordinance, subject also to the Village Council's approval of the use of public space over the Second Street sidewalk (public right-of-way (ROW)) that service the public restrooms and allows for pedestrian circulation. The use of the ROW on the north side of the building and parking lot on the west side of the building is part of the land swap currently being considered by the Village Council.

The proposed balconies/decks located on the south side of the building adjacent to the Village Green and on the east or Hancock Street side of the building are located wholly on private property.

Staff finds that should the parking variances required be approved by the Zoning Board of Appeals, that the provisions of Section 16.08 et seq. for Site Plan Review will be met.

Department Reviews

1. Police Department – Police Chief Laude Hartrum sees no issues relative to public safety with the applicant's proposal.
2. Department of Public Works (DPW) – Village Manager Chris Brown reviewed the proposal on behalf of the DPW and sees no issues at this time in servicing the building with potable water and sanitary sewer.
3. Fire Department – Fire Chief Paul Smith met with County Building Inspector Randall Miller to discuss fire suppression system, emergency egress and lighting as well as other fire safety issues. **Both parties agreed that the best way to achieve the highest level of safety for the building's occupants is to consider a conditional approval of the proposal subject to the requirements of the Michigan Building Code as administered by the Oceana County Building Department.**

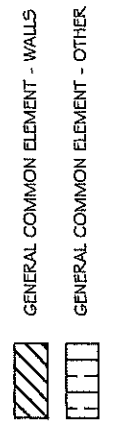
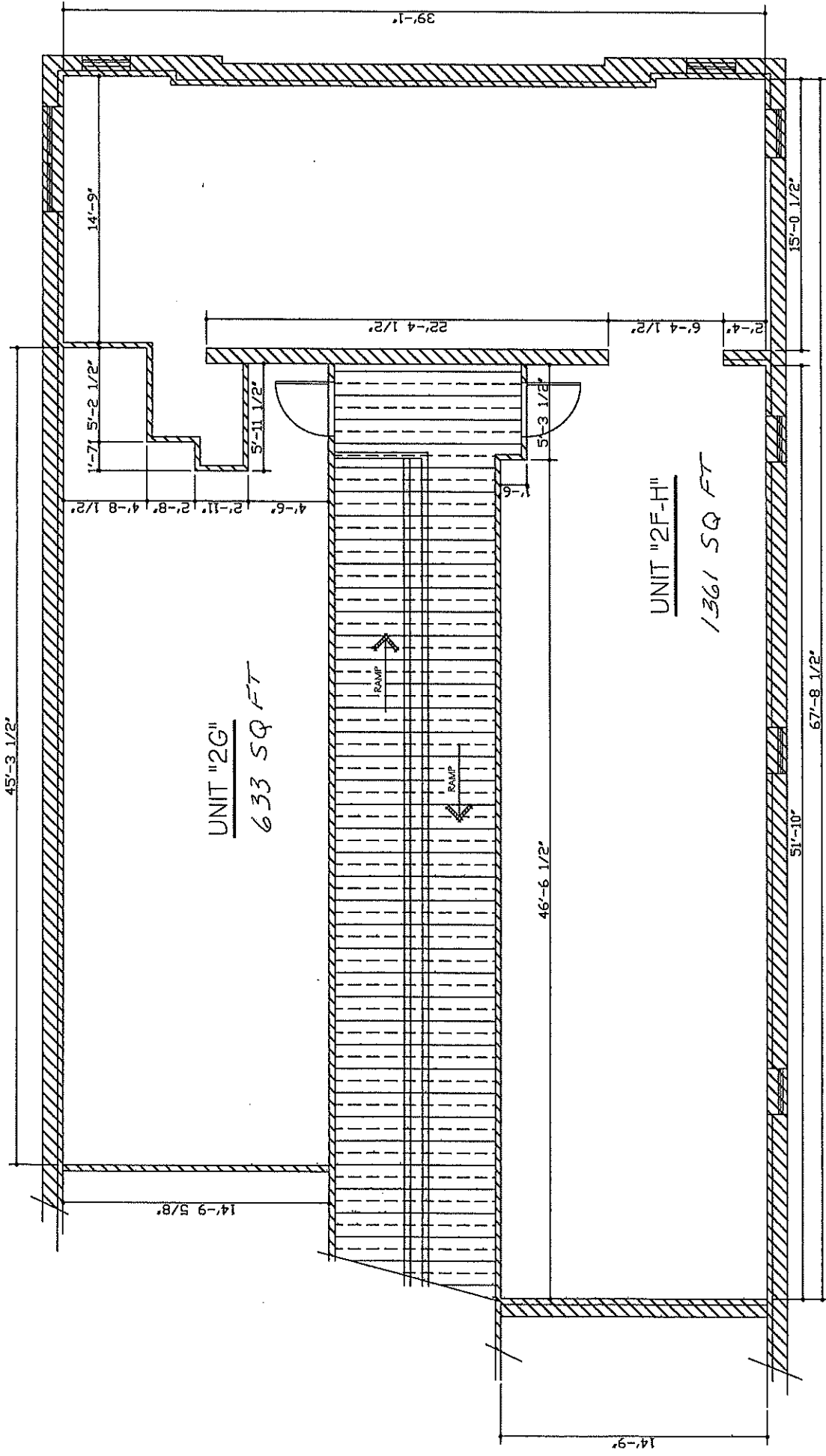
Recommendation

After receiving public comment at the Public Hearing of June 20, 2018, Staff recommends that the Planning Commission consider approval of the Special Land Use subject to the following conditions:

1. The applicant's completion of the necessary land swap with the Village of Pentwater; and,
2. The applicant must satisfy the requirements of Section 17.04 and 17.05.D of the Zoning Ordinance either by acquiring variances or changes in the Zoning Ordinance or both in order to meet the parking requirements for residential uses.

Upon review of the Site Plan by the Planning Commission, Staff recommends approval of the Site plan subject to the following conditions:

1. The applicant's completion of the necessary land swap with the Village of Pentwater;
2. The applicant must satisfy the requirements of Section 17.04 and 17.05.D of the Zoning Ordinance either by acquiring variances or changes in the Zoning Ordinance or both in order to meet the parking requirements for residential uses; and,
3. The applicant must satisfy the requirements of the Michigan Building Code as administered by Oceana County, including, but not limited to, the requirements for fire suppression, adequate egress and emergency lighting.



HANCOCK BUILDING CONDOMINIUM
 SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

MEMORANDUM

To: Pentwater Township Planning Commission

From: Keith Edwards, Zoning Administrator

Date: June 12, 2018

Subject: **Proposed Expansion of Existing Nonconforming Building
426 (420) Chester Street, Village of Pentwater – 64-044-452-005-00**

Introduction

The owner of 426 (a.k.a. 420) Chester Street, is proposing to construct additions totaling 319 sq. ft. in area which includes a vestibule and addition to the kitchen area of the home; a new deck adjacent to the kitchen; and, an exterior storage addition to the south side of the existing garage. The Jessup residence is located on the west side of Pentwater Lake, with frontage on the misaligned Chester Street on Lot 5 in the Village of Middlesex Plat.

Neither the proposed building additions nor the new decking would exacerbate the existing nonconforming conditions of the existing house and property.

Background

The existing home is situated on the east side of Chester Street, north of Suffolk Street and south of Manchester Street on a waterfront lot adjacent to Pentwater Lake. The property is comprised of portions of lots 5 and 6 within the Middlesex Subdivision in the Village of Pentwater. The property is located within the R2, Single Family Residential Zoning District, and the WD, Waterfront Zoning District.

A portion of the existing home, the septic tank and septic field are located within the platted right-of-way of Chester Street. However, the home is situated approximately 39 to 40 feet from the edge of the pavement of Chester Street, where 30 feet of setback from the right-of-way line would be required. Additionally, the existing deck touches the lot line of the property to the south of the subject lot.

Assessing records indicate that the small lot contains approximately 5,227.2 sq. ft. of land area, where 8,000 sq. ft. is required today by the R2 Zoning District. A review of the Assessing records also indicates that the original home was constructed in 1948 and remodeled in 1992. Those records do not contain a date for construction of the garage.

Details of the Nonconformities

The required front setback (waterfront) is 30 ft., **existing is 40 ft., proposed is 40 ft.**

The required rear setback (Chester St.) is 17 ft., **existing is 0 ft., proposed is 0 ft.**

The required north side setback is 6 ft., existing is 10 ft., proposed is 10 ft.

The required south side setback is 6 ft., existing is 20 ft., proposed is >6 ft.

The height of the building will not change.

Because the garage is partially located within the platted right-of-way of Chester Street, I asked the architect to make impervious surface calculations out to the Chester (formerly East Street) Street right-of-way (ROW) line as established by CM Stover, RCE & as Occupied as shown on the enclosed survey. The front of the garage is setback approximately 17 feet from the Chester (formerly East Street) ROW line. I have informed the applicant that the Village cannot accept the new construction of any portion of the building within the ROW of Chester Street, however a portion of the proposed stoop would be tolerated since the proposed stoop to the front door does not stick out further into the ROW than the wall of the garage.

Because of the garage and former East Street ROW line established by CM Stover et al, I have allowed, for calculation purposes, the use of land outside of the correct Chester Street ROW between the Chester (formerly East Street) ROW and the actual lot line to be used for calculating impervious surface. Thus, the land area becomes 7062.5 sq. ft. for calculation purposes only. The existing foot print of the home, garage walks and decks is 2862 sq. ft. or 40.5% of lot coverage where the maximum allowed is 50% by the R2 and WD Zoning Districts. The proposed new construction would create enlarge the impervious surface total to 3363 sq. ft. or 47.6% of the calculated area, thereby meeting the requirements of the R2 and WD Zoning Districts.

A total of 319 sq. ft. of living area and 52.5 sq. ft. of storage area is proposed to be added to the first floor of the building. Thus, the total new area is 371 sq. ft. in comparison to the existing 1256 sq. ft. area of the house and 589 sq. ft. area of the garage (1,845 in total), the total increase in the building footprint is 371.5 sq. ft. or 20% which is less than the maximum of 50% allowed.

The residential use of the property as a single-family residential use conforms to the permitted uses within the R-2, Single Family Residential Zoning District requirements of Chapter 6 of the Zoning Ordinance. The proposed expansion of the building does not change the permitted uses of the property. Thus, the Planning Commission should direct its focus to Section 3.24.B.1 et seq. and 3.24.B.8 of the Zoning Ordinance to consider the following conditions for approval:

Section 3.24.B Nonconforming Buildings or Structures

1. Nonconforming building(s) or structures may only be extended, enlarged, altered, remodeled or modernized when the Planning Commission determines that the following conditions are met:

a. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.

This condition has been met in accordance with the applicant's proposal.

b. The enlargement or extension is limited to the same parcel the nonconforming building or structure was located on at the time of the adoption of this Ordinance.

This condition has been met in accordance with the applicant's proposal.

c. The enlargement or extension will not interfere with the use of other properties in the vicinity.

This condition has been met in accordance with the applicant's proposal.

d. The enlargement or extension shall not exceed fifty percent (50%) of the GFA of the original building or structure when it became nonconforming; except that the Planning Commission may permit a greater percentage where all yard setbacks for the district in which the building is located are met without need of a variance to such setback(s).

This requirement is met since the proposed addition is only 20% of the existing GFA.

8. Where a building or structure is nonconforming for setback by a distance equal to or less than on-half of the distance required by this ordinance, the nonconforming setback (may) be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced and all other required setbacks are met.

The required setbacks are not further reduced by the applicant's proposal, therefore this condition is met.

Recommendation

At this time, Staff recommends the Planning Commission consider approval of the requested addition to 426 Chester Street subject to confirming staff's review that Sections 3.24.B.1 et seq. and 3.24.B.8 have been met.

MEMORANDUM

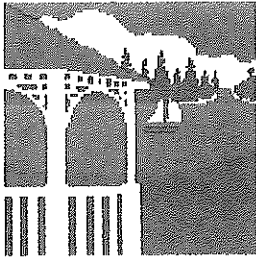
To: Planning Commission
From: Keith Edwards, Zoning Administrator
Date: June 12, 2018
Subject: Pavement Expansion – E. Lowell Street Cul-De-Sac

On Monday, June 12, 2018, the Village Council passed a motion approving the expansion and restriping of the pavement at the cul-de-sac at the east end of Lowell Street adjacent to Mears State Park. The additional paving and re-striping of the cul-de-sac is to accommodate drop-off of passengers as well as the appropriate radius for fire department vehicles.

Typically, this type of public works project would come to the Planning Commission in the form of a review and seeking a recommendation from the Planning Commission to the Village Council. At least this is the process that I am trying to instill within our internal processes because it follows the Michigan Planning Enabling Act for capital improvement projects.

However, since the project is proposed as one of public safety as recommended by the Police Chief and the cost of the project will be coming from the Village's road/general fund budget, and not from grant money or funds that are incumbered by such a process, a Planning Commission recommendation was not required. Furthermore, the project is being added to the scope of the existing road work that is being done in the Village and time was of the essence in order to realize the cost savings of combining it with the ongoing road work.

For your information, I have included the design of the paving and striping as provided by Fleis & Vandenbrink, the Village engineers for the road project. Additionally, I have included some slides developed by Steve Bass for further consideration for the island in the center of the cul-de-sac. These graphics are conceptual only for your review and comment. A motion to approve the project is not necessary at this time. However, I would like to consider the possibilities that are offered by this opportunity for the center of the cul-de-sac, and this terminating vista overlooking Lake Michigan as we consider many of these opportunities in the Downtown Pentwater Plan and future master plans for the Village.



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ZONING ADMINISTRATOR'S REPORT

June 8, 2018

The following is a summary of activity conducted by the Zoning Administrator in May, 2018.

Code Enforcement - Nothing outstanding at this time.

Planning Commission

The Planning Commission met on May 16, 2018 to further discuss Zoning Ordinance changes in the parking requirements for downtown residential uses and marinas. They also briefly discussed the notice that Golden Township is working on a master plan, received an update on the Hancock Building applications for Special Land Use and Site Plan Review, and discussed a façade restoration initiative grant funding opportunity.

Zoning Board of Appeals

The Zoning Board of Appeals held its annual meeting on May 23, 2018 to elect officers and consider a minor change in the by-laws to reflect the name change in the Zoning Ordinance from the Pentwater Community Zoning Ordinance to the Village of Pentwater Zoning Ordinance. The officers are the same as last year, the ZBA members re-elected Mike Castor as Chairperson and Bill O'Donnell as Vice Chairperson.

Zoning Permits

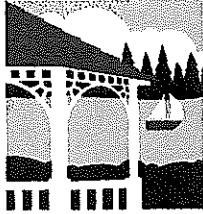
The following Zoning Permits were issued in May, 2018:

1. 529 Clymer for a shed.
2. 110 Green for a shed.
3. 367 E. Third St, for a small deck.
4. 73 E. Sands for an 8 x 10 shed addition.
5. 538 Carroll for a deck.

Sincerely,

Keith J. Edwards

Keith Edwards
Zoning Administrator



VILLAGE OF PENTWATER
Zoning Board of Appeals
ON PENTWATER LAKE AND LAKE MICHIGAN
327 South Hancock Street – P.O. Box 622
Pentwater, Michigan 49449
(231) 869-8301 – FAX (231) 869-5120

Annual Meeting Minutes – May 30, 2018

Chairperson Castor called the annual meeting of the Pentwater Zoning Board of Appeals Meeting to order at 7:15 p.m. with the pledge of allegiance.

ROLL CALL: Present: Bill O'Donnell, Bruce Koorndyk, Nancy Ceton (Alternate), Jim Young and Mike Castor. **Absent:** Andrew Witt and Bill Bainton.

Others present: Zoning Administrator Keith Edwards

APPROVAL OF AGENDA: Motion by Bill O'Donnell, second by Nancy Ceton to approve the agenda as presented. Voice Vote: Ayes: 5, Nays: 0. **Motion carried.**

APPROVAL OF MINUTES of September 6, 2017: Motion by Bill O'Donnell, second by Nancy Ceton to approve the September 6, 2017 minutes as amended. Voice Vote: Ayes: 5, Nays: 0. **Motion carried.**

PUBLIC COMMENTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Introduction of suggested Amendment to the ZBA by-Laws and Rules of Procedure to change the name of the Zoning Ordinance from the Pentwater Community Zoning Ordinance to the Village of Pentwater Zoning Ordinance.

ZBA Members were introduced in writing with a draft of the proposed amendment to the by-laws to change the name of the Zoning Ordinance referenced several times in the By-Laws. A vote on the amendment is expected at the next meeting of the ZBA.

- B. Election of Officers – Jim Young moved to re-elect the same officers as the last term, Mike Castor for Chairperson and Bill O'Donnell for Vice Chairperson. O'Donnell seconded the motion

ADJOURNMENT: Motion to adjourn by Jim Young second by Nancy Ceton. All Ayes. Chairperson Castor adjourned the meeting at 7:42 pm. Voice Vote: Ayes: 5, Nays: 0. **Motion carried.**

Respectfully submitted by:

Keith Edwards, Zoning Administrator
Village of Pentwater

June 8, 2018

Approved _____ by the Zoning Board of Appeals on _____.